



BOARD OF ZONING APPEALS

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

<https://planning.clevelandohio.gov/bza/cpc.html>

216.664.2580

MAY 23, 2022

Under the conditions specified by law, the Board of Zoning Appeals will be conducting virtual meetings in a using the WebEx Platform. The Board of Zoning Appeals will also be live streamed on YouTube. The links for the live streams will be available before the meeting on our website at:

<http://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/CityPlanningCommission/ZoningAppeals>

Or <https://www.youtube.com/channel/UCB8ql0JrhmpYIR1OLY68bw/>

In order to keep the WebEx session manageable we are asking individuals that wish to participate in the meeting to contact the Board of Zoning Appeals office by phone or email by noon on May 18, 2022. Those individuals not planning to comment on any agenda item during the WebEx session are encouraged to view one of the live streams.

IF YOU WISH TO PARTICIPATE AND OR GIVE TESTIMONY contact the Board of Zoning Appeals office and request at 216-664-2580. You can also email Secretary Elizabeth Kukla at ekukla@city.cleveland.oh.us.

Calendar No. 22-065:

4340 East 71 Street

Ward 12

Rebecca Maurer

Ohio Real Token 1 LLC., owner, proposes to install a 6-foot-tall fence in a B1 Local Retail Business District. The owner appeals for relief from the strict application of Section 358.05(a)(2) which states that in non-residential districts, other than General and Unrestricted Industry Districts, fences in actual front yard and side street yard shall not exceed 4 feet in height and shall be at least 50% open above 2 ½ feet in height; proposed fence is 6 foot high privacy fence (solid).

Calendar No. 22-064:

656 E. 109 Street

Ward 9

Kevin Conwell

Elizabeth Tilly, owner, proposes to establish use as a residential facility for 9 occupants in a One-Family Residential District. The owner appeals for relief from strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571 which states that "Residential Facility" means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one(1) or two(2) unrelated persons with mental illness, (b) one (1) or two(2) unrelated adults who are receiving residential state supplement payments as defined in Ohio Revised Code, or (c) three to 16 unrelated adults.
2. Section 337.03(h) which states that a "Residential Facility" as defined in Chapter 325 of the Zoning Code for more than five residents as not permitted in that one family district but first permitted in a Multi-Family District.

Calendar No. 22-063:

2252 East 101 St.

Ward 6

Blaine Griffin

Fairfax Renaissance Development Corporation proposes to erect a new two-car detached garage on a City of Cleveland Land Bank parcel located in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 353.05 which states that the required distance of garage and dwelling on adjoining lot is 13 feet and the appellant is proposing 8 feet.

Calendar No. 22-069:

14219 Miles Ave.

Ward 1

Joseph Jones

Everybody Drives, owner, proposes to erect a 6-foot-high ornamental fence in a C1 General Retail Business District. The owner appeals for relief from section 358.05(a)(2) which states in non-residential districts other than General and Unrestricted Industry Districts fences in actual front yards and side street yards shall not exceed 4 feet in height and shall be at least 50% open above 2 ½ feet in height. The proposed fence is 6-foot-high.

Calendar No. 22-068:

3195 E. 65 Street

Ward 5

Richard Starr

David Sims, owner, proposes to install a fence and gate in a B2 Two-Family Residential District. The owner appeals for relief from the strict application of Section 358.03 which states that any portion of a fence located along a parallel to a driveway within 15 feet of its intersection with a public sidewalk shall be 75% open above 2 1/2 feet.

Calendar No. 22-071:

341 Eddy Rd.

**Ward 8
Mike Polensek**

Western Inc., owner, proposes to establish use as a concrete supply plant with outside stockpile of materials in a Semi-Industry District and a General Industry District. The owner appeals for relief from the strict application of the following sections of the Zoning Code:

1. 345.03(c) (33) which states that outdoor storage of stone gravel sand and similar material is not permitted in a Semi-Industry District.
2. 345.04(a)(3) which states that when permitted in a General Industry District, premise for storage of stone gravel and sand and other construction materials must be at least 500 feet from a residential district and screened with seven foot high solid fence. Premises of the proposed use are within 500 feet of residence district and solid 7 foot high fence is not proposed on planned.

Calendar No. 22-090:

1111 Fairfield Ave.

**Ward 3
Kerry McCormack**

Elenny Marvis Tuleta, owner, and 1209 Fairfield LLC., prospective purchaser, propose to erect a four-story, 97 unit apartment building with 2,300 square feet of ground floor retail space in a G2 Multi-Family Residential District and an Urban Form Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.08 which states that retail use is not permitted in a Multi-Family Residential District.
2. Section 341.02 which states that approval of the city Planning Commission department is required.

Calendar No. 22-091:

2226 W. 11 St.

**Ward 3
Kerry McCormack**

1209 Fairfield LLC., owner, proposes to construct and establish use as a parking lot in a B1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances

1. Section 349.13(c) which states that a parking lot is not permitted use in a Multi-Family residential district. The board of zoning appeals may permit temporarily or permanently the use of land in a residence district other than Limited One Family District for a parking lot when the best interest of the community will be served and provided that:
 - The lot is to be used only for parking of passenger automobiles of employees customers or guests of a person or firm controlling and operating the lot, who shall be responsible for its maintenance.
 - No charges to be made for parking lot number.
 - The lot is not to be used for sales repair work or service of any kind number.
 - Entrance to and exit from the lot are to be located so as to do the least harm from the residential district.
 - No advertising sign or materials to be located on the lot.
 - All parking is being kept back of the setback building line by barrier unless specifically authorized otherwise by the board.
 - The parking lot and that portion of the driveway back of the building line are to

be adequately screened from the street from the adjoining property in a residence district by a hedge sightly fence or wall not less than 4 feet 6 inches high and not more than 5 feet high located back of the setback building line. All lighting is to be arranged so that there will be no glare that is known to occupants of adjoining property and residence district and the surface parking lot is to be smoothly grated hard surfaced and adequately drained.

- The building permit number under which the lot is established as to be posted.
- Such other and further conditions may be imposed as the board may deem necessary in any specific case to reduce the adverse effect of the proximity of a parking lot up on the character development and maintenance of the residence district in which the parking lot is to be located.